






CITY COUNCIL

AGENDA REQUEST

AGENDA OF:	07-06-10	AGENDA REQUEST NO:	III-A
INITIATED BY:	GLENDAGUNDERMANN CITY SECRETARY	RESPONSIBLE DEPARTMENT:	CITY SECRETARY
PRESENTED BY:	GLENDAGUNDERMANN CITY SECRETARY	DEPARTMENT HEAD:	GLENDAGUNDERMANN CITY SECRETARY 
		ADDITIONAL DEPARTMENT HEAD (S):	N/A
SUBJECT / PROCEEDING:	PUBLIC INFORMATION ACT RESPONSE REQUIRING LARGE AMOUNTS PERSONNEL TIME		
EXHIBITS:	RESOLUTION NO. 10-20		
CLEARANCES		APPROVAL	
LEGAL:	AARON DOBBS,  ASSISTANT CITY ATTORNEY	EXECUTIVE DIRECTOR:	N/A
PURCHASING:	N/A	ASST. CITY MANAGER:	N/A
BUDGET:	N/A	CITY MANAGER:	ALLEN BOGARD 
BUDGET			
EXPENDITURE REQUIRED: \$		N/A	
AMOUNT BUDGETED/REALLOCATION: \$		N/A	
ADDITIONAL APPROPRIATION: \$		N/A	
RECOMMENDED ACTION			
Approve Resolution No. 10-20 establishing a policy for costs incurred to respond to public information requests that require large amounts of personnel time.			

EXECUTIVE SUMMARY

The Texas Public Information Act, Section 552.275 authorizes a governmental body to establish a reasonable limit on the amount of time personnel are required to spend producing public information for inspection or copies to a requestor, without recovering the costs attributable to that personnel time. Section 552.275 (b) establishes that the time limit may not be less than 36 hours for a requestor, during the 12-month period that corresponds to the governmental body fiscal year. The established limit applies to all requestors equally except as exempted by the Act.

Resolution 10-20 establishes:

- 36 hours as the reasonable limit on the amount of time personnel are required to spend producing public information for inspection or copies without recovering attributable costs
- 12 month period coincides with the City fiscal year
- Requestors who exceed the 36 hour time limit shall pay all costs attributable to cost of materials, personnel time, and overhead expenses, necessary to comply with the request, even if the requestor intends to only inspect the documents.

Requestors exempted by Texas Government Code, Section 552.275 if requestor:

- Publishes news or information and is seeking information for:
 - Radio or television broadcast station
 - Newspaper that is qualified to publish legal notices or is a free newspaper of general circulation published at least once a week for dissemination of news
 - Newspaper published on the Internet that disseminates news or information to the general public
 - Magazine that is published at least once a week or on the Internet that disseminates news or information to the general public.
 - Elected official of the United States, the state, or a political subdivision of the state.

The Act establishes detailed rules and procedures for responding to the requestor during the 12 month period; and for cumulative processing relating to the cost of locating, compiling, and producing the public information.

The Act provides for a charge of 10 cents per page for fewer than 50 pages of paper records with no labor cost for compiling or producing copies. The adopted policy will provide for a labor charge of \$15.00 per hour, established by costs rules of the Act, after 36 hours of personnel time has been expended compiling large volumes of records for inspection or copies.

The policy establishes reasonable procedures for inspecting or copying, protects the public's freedom of information and is a benefit to taxpayers by implementing a modest recovery cost.

EXHIBITS

POLICY NUMBER 3000-27

Date Adopted _____

Date Effective _____

RESOLUTION NO. 10-20

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS,
ADOPTING A POLICY FOR COSTS INCURRED TO RESPOND TO PUBLIC INFORMATION
REQUEST THAT REQUIRE LARGE AMOUNTS OF PERSONNEL TIME.**

WHEREAS, the Texas Public Information Act (Act) gives the public the right to request access to government information; and

WHEREAS, the Act authorizes the governmental body to charge and to require payment before complying with certain request for production of public information or for copies of public information; and

WHEREAS, Section 552.275 of the Act authorizes the governmental body to establish a reasonable limit on the amount of time personnel are required to spend producing public information for inspection or copies to a requestor; and

WHEREAS, the City desires to establish a time limit under this section to compensate for the cost incurred beyond the time limit that has been established; NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF SUGA LAND, TEXAS:**

Section 1. That the City Council hereby adopts the following policy:

**COSTS INCURRED TO RESPOND TO PUBLIC INFORMATION
REQUEST THAT REQUIRE LARGE AMOUNTS OF PERSONNEL TIME**

PURPOSE

To establish, under the provisions of Texas Government Code Section 552.275, a reasonable limit on the amount of time that personnel are required to spend producing public information for inspection or copies, to a requestor, without recovering the costs attributable to that personnel time. Section 552.275 (b) establishes that the time limit may not be less than 36 hours for a requestor, during the 12-month period that corresponds to the fiscal year of the governmental body.

This policy does not replace or supersede other sections of the Act and does not preclude the City from charging labor for a request for copies or a request for inspection for which a charge is authorized under another section of the Public Information Act; the established limit applies to all requestors equally except as exempted by the Act.

DEFINITIONS

Public Information: Information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business of the City, made or received by the City in connection with the transaction of public business, except records that have been designated confidential by federal, state or other law.

Requestor: A person who submits a written request to inspect information, get copies of information or both.

POLICY

The City establishes a reasonable limit of 36 hours, for a requestor, during the 12-month period that corresponds with the City fiscal year on the amount of time that personnel of the City are required to spend producing public information for inspection by a requestor, or providing copies of public information to a requestor, without recovering costs attributable to that personnel time.

Requestors who exceed the 36 hour time limit shall pay all costs attributable to cost of materials, personnel time, and overhead expenses, necessary to comply with the request, even if the requestor intends to only inspect the documents.

This policy does not apply to requestors exempted by the Texas Government Code, Section 552.275.

ACCOUNTABILITY

The City Secretary Department will maintain and enforce the policy. It shall be the City Secretary's responsibility to enforce the policy equally to all requestors except as exempted by the Act; to provide detailed statements and to maintain a record of the cumulative amount of time the requestor has accrued towards the established limit.

PASSED AND APPROVED on _____.

James A. Thompson, Mayor

ATTEST:

Glenda Gundermann, City Secretary

APPROVED:

Aaron Dobbs, Assistant City Attorney